

**O&F and O&M Milestones
Libby Asbestos Superfund Site
March 6, 2019**

Several months ago, the ARP raised the question about what officially triggers Operational and Function (O&F) period and subsequently, Operations and Maintenance (O&M). Earlier in 2018 the vision was that O&F would start on Jan 1, 2019 and extend probably until the end of 2019 when O&M would begin. Since that time, some remedial activities have carried into 2019, and the government shutdown through January delayed progress on a number of items.

Based on the "Operation and Maintenance in the Superfund Program, OSWER 9200.1-37FS, EPA 540-F-01-004, May 2001" document, it seems like the sequence should be:

1. O&F Determination: O&F starts a year after construction complete, or when the remedy is determined concurrently by EPA and the State to be functioning properly and is performing as designed, whichever is earlier. The purpose of the O&F period is to serve as a "shakedown".
2. The latter determination is formalized via the JSI to determine that the remedy has been constructed properly.
3. The attainment of O&F is documented in the Interim or Final Remedial Action Report, or in a letter to the interested parties.
4. O&F for a one year period.
5. O&M then begins.

The O&F period is envisioned to be able to test and adjust the O&M practices including ICs, before there is a formal handoff to the State for O&M. The ability to implement the O&M elements that will allow for a timely and thorough shakedown during O&F (before jumping into O&M) is of concern.

Currently we (ARP, DEQ and EPA) are working on many elements of O&M that are in varying states of completion. Progress has been steady. A partial list of factors and uncompleted elements are:

1. Receipt of data files on hard drives, and implementation of the future data system.
2. Resolution of concerns, if any, that are raised by the Joint Site Inspection.
3. Resolution of concerns about changes in sampling procedures ("Pilot Study")
4. Procurement of a clean-up Contractor and laboratory services
5. Functioning County Property Evaluation Notification System
6. Landfill licensing
7. O&M Cost Estimate
8. Real Estate/Lending disclosure process
9. Public involvement/comment on draft O&M and IC plans.
10. Final O&M plan.
11. Final IC plan.

12. Implementation of MT HB 30 provisions (assuming passage) by the DEQ and the Oversight Committee, including defining County roles.
13. Documentation of EPA commitment to allocate unused Grace remedial action funds to future O&M on project.
14. Agreement on addressing language in ROD interpreted to assign financial costs to property owners related to LA.

Due to the time needed to engage both DEQ and ARP, as well as the public, in the development and review of many of these items, it seems unlikely that these and other elements will be in place until mid to late 2019, then time will be needed to allow for a meaningful test, shakedown period.

It is not the intent to unduly delay O&M. Instead, it is the intent to avoid prematurely ending an O&F period that is abbreviated, resulting in being inadequately prepared to assume O&M responsibilities. It is requested that a clear sequence of the required milestone events be established. This should be useful in setting priorities, with particular attention to the beginning date for a full one-year O&F period, and the official start date for O&M. Among other topics, it effects our timing of transitioning the ARP Cooperative Agreement from EPA to DEQ. This topic is of significant importance to the County and DEQ, as well as the Oversight Committee, as planning goes forward toward DEQ and Lincoln County accepting O&M responsibilities.

We are specifically requesting that a clear sequence of the milestone events from the end of construction to the onset of O&M be established. It would be helpful for the "schedule" to include completion/approval of key documents such as the JSI report, RACR, O&M and IC Plans, etc.